IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7074 of 2005

Between:

Harijana Manthri Vannurappa, S/o. Harijana Manthri Hanumanthu, Somaladoddi, Village & Mandal, Anantapur, Ananthapur District.

... PETITIONER

AND

1 The R.D.O., Anantapur, Ananthapur District.
2 The M.R.O., Anantapur, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Mandamus to declaring the action of the 2nd respondent in not deciding the petition field under Sub-Sec. 1 of Section 9 of A.P.Assigned Lands (Proh & Transfer) Act, 1977 as arbitrary, illegal, contrary to law and for extraneous considerations and to issue a consequential direction to the 2nd respondent to dispose the petition field under Sub-Sec. 1of Section 9 of A.P. Assigned Lands (Proh. of Transfer) Act, 1977 forthwith.

Counsel for the Petitioner: MR.A.RAJENDRA BABU

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignments appearing for the respondents.

The petitioner claims that an extent of Ac.5-74 cents situated in Sy.No.83 of Somanadoddii village was assigned in favour of his forefathers and in all the revenue records the relevant entries were made showing the name of the assignee Nalligani Yellagadu. The petitioner being the legal heir succeeded to the said property and was in possession and enjoyment of the same till he was dispossessed high-handedly by some third parties. In the circumstances, the petitioner made an application before the second respondent requesting to initiate the proceedings under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and to evict the persons who have occupied the assigned land and to restore the possession to him. The petitioner alleges that the second respondent – Mandal Revenue Officer who is the competent authority under the Act failed to consider his representation and failed to take necessary steps as required under the law.

Hence, this writ petition seeking a declaration that the action of the second respondent Mandal Revenue Officer in not deciding the petition filed under the

provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 as arbitrary and illegal.

The petitioner states that such an application was filed on 04-02-2005 and the same is pending before the second respondent. The learned Government Pleader for Assignments states that the said application will be heard and decided, in accordance with law.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of, with a direction to the second respondent Mandal Revenue Officer to consider the application made by the petitioner under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and to dispose of the same, in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 19-04-2005

Note: Furnish C.C. in two days.

B/o.

LSK

To

1 The R.D.O., Anantapur, Ananthapur District.
2 The M.R.O., Anantapur, Anantapur District.

3 Two C.Cs. to the G.P. for Assignments, High Court buildings, Hyderabad. (O.U.T.)

4 Two C.D. copies.